

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
REPLY BRIEF**

Second Circuit
United State Court of appeals

75-7059

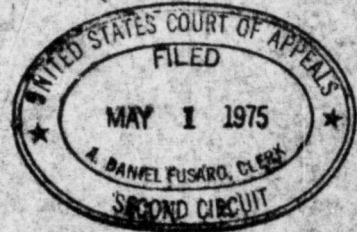
Proof of Services

Nathaniel Cooper
Plaintiff appellant
Counsel against Corporation
Guards Doyle Olesby
and Steven Davis, Defendants
City of New York Dept. of Social
Services Corporation Counsel
Mr. C. D. Soul, Supervisor

MAY 1 1975

B P/S

Reply Brief



On appeal from The United States District
Court For The Southern District of New York
Nathan Cooper being duly sworn according to Law deposes and
says That Rule 71A of F.R.C.P. and amendments and supplem-
ental Pleadings F.R.C.IV.P and That he has upon This day
Cause To be Served upon Respondent here in true
Copies of all papers submitted To this honorable
Court and Respondent by placing same in the hands
of The City of New York Corporation Counsel.

Sworn To me This 1 day of
MAY 1975

③

Notary Public

KENNETH L. BRAND
Notary Public, State of New York
No. 41-5424125 Qual. in Queens Co.
Cert. filed in New York County
Commission Expires March 31, 1978

Respect Fully
Submitted
X Nathaniel Cooper
372 miller ave
Brooklyn NY 11218

United States Court of Appeals
for the Second Circuit

⁸ Principal and agent

Nathaniel Cooper

227(1)

Master and Servant

Plaintiff Appellant

302(2)

against:

Guards Doyle Olesbrom
Steven Davis Supervisor
Columbia Dept of Social Services
330 Jay St Brooklyn NY
Dept of Corrections

¹⁹⁴ Social Security Act

406(a) 401, 42 USC-A §§601

606(a) The Conduct of
Social Service Conflicted
with Social Security Act
Civil Right Violation

§ 137 for Liability of State
official as individual.

State of New York
County of Manhattan
Manhattan

138(3)

in the case of Municipalities
and Counties and Their
officers

Preliminary Statements

Point one of Memorandum Plaintiff wish to make
clear is the fact to set the city of New York, of the
District Judge Bonsal, that Plaintiff sues
under 1985 as well 1933 and 1981. and 1988. and 1982
Plaintiff will not be undermined by the Judge and the
Corporation Counsel. at the time of July 20 1973 AD. Plaintiff
made it clear how and why he were suing in all cases
Public policy is the test, and each case will be decided on its
own facts (Johnston v. Fargo supra anderson v. Erie supra)
I have viewed The Brault v. Town of Milton Docket No. 142390
I also see that Mr Michael Amorosio can refer to many
cases so many that he forgot to refer to the case
here at Bar or could this be the direct purpose.
Now ever he can not lead me away for the
pain and suffering AND the robbery of 10 dollars and
8 tens and jailing falsely. NO he can not lead me away

Mr Michael Ambrosio should Confess his Law
to The Facts of The Cooper Case after Review
Plaintiff Can Bear Lie Find any Facts or Statement
On The Two years of head Pains, no NOT Even The Correct
Amount of The Robbed Funds and There is nothing on The
arrest and Detention Fals imprisonment While in
Jail did Receive Bad nose Bleed From The Blow To Nose
and mouth, and serious nervis Condition until Last
Dec. 74. In fact Two year and of course 5 Stites To Left
Fore head. Do receive head pains UP To This Day.

Questions Presented). By Plaintiff Ho Can say in open Court
That Plaintiff were NOT The victim of a Conspiracy section
42 USC A 1985 (3) in New ^{York} Conspiracy is NOT a Separate Tort. The
Only advantage (It is however a Substantial one of Pleading
and proving it is To hold all The conspirators liable for The
overt acts of The Others, Committed pursuant To The Consp-
-iracy. The liability of all is Joint and several for They are Joint
Tort feassors The Element of Concert Consisting in The Comm
on plan Brackett v. Griswold 112 N.Y. 454 20 NE 376 Place v.
Minster 65 N.Y. 89). See also Van Horn v. Van Horn, 52 N.J.L. 284
Sect 19. of The Crim: Code Conspier To Injure 10 years and
\$5000 Fine This Law is in my complaint Filed 20 of July 73: assault
mental damages Preiser v. Wieland 42 app Div 569 62
N.Y.S 890 adams v Rivers II mental Suffering Halio v. Lurie
15 app Div 2 d. 62 222 N.Y.S Now The Claim Plaintiff has
Referd To Comes Under The General Municipal
Law Section 50e I Plaintiff have Read Section 50e in To The
Record on Nov. 11, 74 U.S.D Court. also Pleant, offered in
Complaint The Original Filed July 20 73 AD.

How Ever Plaintiff Wish To Put more into The Record, as
The Record will speak for it self and it would
prove my case and then hold The Court Responsible
To Render Justice OK. Notice of Claim (2) All any Subdivision
case founded upon Tort where a notice of claim is requir-
ed by law as a condition as proceeding against a
Public Corporation, as defined in The General Public
Corporation Law or any officer, appointee or employee
there of. The Notice shall comply with The provision of
This Section. The Notice shall be served on The party against
whom The claim is made by Delivery a copy there of indicate
personally or by Registered mail to The person officer agent,
clerk or employee designated by Law as a person to whom
a summons in an action in The Supreme Court. Plaintiff did
Not need a granted Extra Time. Subdivision 5 a Belated
NOTICES Civil Rights. D.C. SC 1974 Statute relating to proceeding
in vindication of Civil Rights Permits Court to look to State Law as
a Supplement to Federal Law in fashioning suitable Remedy in Civil
Rights action 42 USC A § 1988 - Green v. Cauthen, 379 F Supp 361
D.C. Md. 1974. In order to recover punitive damages for Deprivation
of his civil Rights a plaintiff must show more than a mere violation
of The particular civil rights statute involved, although he need not
show that defendant specifically intended to deprive him of
a recognized Federal Right. 18 USC A § 242; 42 USC A § 1982, 1983.
Hughes v. Dyer, 378 F Supp 1305. DC. Virgin Islands 1973 To come under
Color of State Law within Civil Rights act a State officers Cond-
uct may not be authorized and may even be patently illegal. 42
USC A 1983. Simon v. Lovgren, 363 F. Supp 265
D.C. Pa 1973 Though Complaints in civil Rights actions must be specific
ally pled or are subject to dismissal Complaints are to be libera-
lly Read and litigation where possible should be decided
on The merits 42 USC A §§ 1983 1985, 1988; Fed Rules Civ. Proc. Rule
12(b)(6), 16 28 USC A - Downs v. Department of Public Welfare 368
F Supp 454.

The Facts

The defense That The charge made is True is an absolute and Complete defense To a civil action for defamation, The qualification being only That The Justification proved must be as broad as The charge Young v. Adams, 113 Mich

The defense must be pleaded and proved by The Defendant for plaintiff makes out a Prima facie case by proving The defamatory words and publication; he has not The Burden of proving falsity it is The defendant who must justify Ashcroft v. Hammond, 132 app Div. 3). on page 28 of Mr. Ambrosio Brief States that The State has made one of it Agents To annul or To Evade The 14th amendment To The Constitution The Judges of The appeals Court have been Requested To Review The Plaintiff attachment To Complaint file in mid Dec. 1974. and it has 5 None of The False Statements made by Mr. Ambrosio in his Brief file in mid April of 1975. In fact The Constitution is just

The opposet of his ^{to} ~~opinion~~ In his Brief which tries Very much Under Mind ^{to} ~~opinion~~ The Equal protection of The Law and The National protection of The Law is Nothing of The Like of his ~~opinion~~ I have use Both Laws in my many motions before The Court since when did a public Corporation have The Right to Ride above The Laws and Run Rampant over peoples Bill of Rights, It high Time The Brault case has Restored some of The Public Secured Laws and Rights of The United State. In fact There are Laws against The Conduct of The Corporation Counsel and Congress of The United State have Recieve a Brief concerning The Two years of ~~violation~~ Violation of my Rights

D.C. D.C. 1994 Equal protection clause demands no less than
substantially equal state representation for citizens of all places
as well as of all races. USCA Const amend. 14 Beer v. U.S. 374
Supp. 263. Civil Rights Acts Statutes prohibiting the denial of
equal enjoyment of any accommodation facilities and
privileges of inn, common carriers, theaters or other places
of public resort, or amusement regardless of race or color and
giving the party for the one aggrieved a right to recover a penalty
for the offense 10am Jun 910, 917 see civil rights cases, 109 US
327 Led (US) 836-3 Sup Ct Rep 18. Questions No Order Mr
Doyle Olesby The Command To Violate The
Civil Right of Plaintiff by Denying him In To a Public Build.
In violation Section 13.2(R) Public Accommodations or Facilities
IN UNITED STATES V. Harris 106 US 629, 639, 640, 15 CT 601, 27 Led. 290
1882 The defendant a private person forbade to use against
conspiracies to deprive any person of the equal protection
of the laws or of equal privileges or immunities under the
laws Federal Protection of Negro Rights 46 Col. L Rev. 94 (1946)
Rev 1985 (3) I have requested from the District Judge
with out answer no order Guard Olesby to interfere
with legal business Plaintiff had at 330 Jay St.
and why did the case worker refuse to receive
letter stating that my income had been reduce
to 6.93 per week. That as stated in attachment to com-
plaint is a out right Denial of Plaintiff DO process
-s D.C. 62. 1994 under reasonableness or rational basis test of con-
stitutionality under equal protection clause Statute, discrimination will
not be set aside, if any state of facts reasonably may be conceived to
justify it. U.S. Const. amend 14 Stoner v. Fortson, 379 Supp. 704.

D.C. Ga 1974 When Constitutional rights have been

Violated, Remedies for violation are not dependent upon fictionalized distinctions; proper inquiry in such contexts is the propriety of granting the relief requested in light of available alternative remedies - Kelly v. Godbout, 1379 F Supp 532

D.C. Ga. 1974 Under Reasonableness or rational basis test of Constitutionality under equal protection clause statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it U.S.C.A. Const. Amend. 14 Stoner v. Fortson 379 F Supp. 704.

D.C. Ill 1974 statute governing conspiracy to interfere with civil right applies only to conspiracies to deprive persons of equal protection and does not apply to conspiracies to violate due process or Eighth amendment amends 8.14 Collins v. Bensinger Rights 42 U.S.C.A 1985 U.S.C.A Const amends 374 F Supp 273.

DC NC 1974 Deprivation of property rights is a proper constitutional claim under Federal Civil Right act 42 U.S.C.A § 1983 Hohensee v. Grier 373 F Supp. 1352.

a Request of Plaintiff to have the two guards appear before the human resources administration each man failed to show up to the departmental hearing requested by plaintiff Feb. 13, 1973 none showed up at the trial at criminal court in 1973 and the fact that they hide from investigation of the human resources indicate they did rob the plaintiff of 10 dollars and 8 tokens. The Brier of Mr. Ambrosio did refer to ever case which came before the district court however to keep this case from being return to the district court yet there is no answer to the assault, no defiance to the charges of robbery or false imprisonment no answer to head pains, none to why plaintiff were attacked after been in build in 1 minute so plaintiff Request Case Reverse to District Court

The Supervisor Mr Codsoul were not at here
Desk but Plaintiff inform here he would Return at about
2pm Plaintiff Did Return about 2pm or 205 Plaintiff were met
at Door by one Dolye OGlesby and Refuse interie
yet Plaintiff had a letter and The Supervisor were informed
at 1130 AM I would Return with Such Letter, she were not around
When I Finally INTERed at about 225 PM she were NOT in sight
however The Case WARKer were seeted at The Desk and
I III form here I had Return with The Letter - I said I would
get she Looked at me yet Refuse To Recieve Letter
or Speak. a Direct Violation To The Due prosse Clouse
of The 14 amendment. This Bring my case in The same Fram
work of Johnson v. Glick 481 F 2d 1028 1033 2d Cir 414 US 1033
(1973) be that OGlesby interfaird with Legal Business with
Plaintiff Was standing at Dest one minute. When he were
Orderd To Come with Mr OGlesby. and what Right
Did Steven Davis ^{have} To assault a ~~hand~~ and Cuff man.
and how Can Mr Michael Ambrosio Defend against assault
and Robbery and arrest and Detention and Pain and
Damage of Nerves. By Refareing To other Cases
it is Claire To Plaintiff he is trying ^{to} move Plaintiff and
The Court away From The Seriousse Injurie Plaintiff
have indeed sufford and with all his paper before
The Court he have stated his Case Plain and Clair ^{itis}
The City Ho have Fail To defend against facts

To Denie Plaintiff Welfare When he had a Letter
From his Class at School. Explaining he had an apartment
The RENT were 135.00 per month, The District Judge have
Reviewed The Lease on Said apartment AND The District
Judge have Reviewed The Letter from School Baring The
Fact That My Cut in school pay would be ^{CUT TO} 6.93 per week and
The Proof of These matters is Proof That The Equal protection
of The Law were indeed Denied To Plaintiff. Plaintiff have Brought
out The Fact on Oct 18, at Municipal Building That The Welfare
Department did Violate its own New York charter Law.
yet IT has not been in force by The Court so as up To This
date The Corporation Counsel have Impowered one or many
of its agents with The Right To Evade or UNNUL The Rights of
Private Person, and The District court have permitted a
Public Corporation To be The UNTOUCHABLES Well To Book
Constitution Law Beside These acts, is Conflicting To The
Sworn To me This 1 day of November 1975 Constitution of UNITED STATES

Respect Fully

Submitted

X *Nathaniel Long*

372 miller ave

Brooklyn NY 11207

Nathaniel Long
Notary Public
KENNETH L. BRAND
Notary Public, State of New York
No. 61-5424125 Qual. in Queens Co.
Cert. filed in New York County
Commission Expires March 30, 1978